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KNOXVILLE, TN 37914**

**MAILED**

**MAR 15 2010**

**OFFICE OF PETITIONS**

|                                   |   |                         |
|-----------------------------------|---|-------------------------|
| In re Application of              | : |                         |
| Nancy Tommye JORDAN, et al        | : |                         |
| Application No. 09/764,826        | : | DECISION ON REQUEST FOR |
| Filed: January 17, 2001           | : | REVOCATION OF POWER     |
| Attorney Docket No. 03073.0001US2 | : | OF ATTORNEY             |
|                                   | : |                         |

This is a decision on the Request to Revoke the attorney or agent of record under 37 C.F.R. § 1.36(a), filed December 18, 2009.

The request is APPROVED.

A power of attorney, pursuant to § 1.32(b), may be revoked at any stage in the proceeding of a case by an applicant for patent (§ 1.41(b)) or an assignee of the entire interest of the applicant under § 3.71(b). Fewer than all of the applicants (or by fewer than the assignee of the entire interest of the applicant) may only revoke the power of attorney upon a showing of sufficient cause, and payment of the petition fee set forth § 1.17(h). For the assignee to take action a proper statement under § 3.73(b) is required.

All future communications from the Office will be directed to the address indicated below until otherwise properly notified.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6735.

/Diane C. Goodwyn/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions

cc: LAW OFFICE OF VAN R. IRION, PLLC  
9040 EXECUTIVE PARK DRIVE, SUITE 223  
KNOXVILLE, TN 37923



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LAW OFFICE OF  
VAN R. IRION, PLLC  
9040 EXECUTIVE PARK DRIVE,  
SUITE 223  
KNOXVILLE, TN 37923

**MAILED**  
**MAR 15 2010**  
**OFFICE OF PETITIONS**

|                                  |   |             |
|----------------------------------|---|-------------|
| In re Patent No. 6,787,324       | : |             |
| Issue Date: September 7, 2004    | : |             |
| Application No. 09/764,826       | : | ON PETITION |
| Filed: January 17, 2001          | : |             |
| Attorney Docket No. 03073-0001U2 | : |             |

This is a decision on the petition under 37 CFR 1.378(c), filed December 18, 2009, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted below, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Director.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; and (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item (3) above.

With respect to item 3: A review of the Office record shows that the surcharge submitted with the petition filed December 18, 2009 is insufficient, the current surcharge is \$1640. The instant petition lacks the complete required surcharge as set forth in 37 CFR 1.20(i)(2). No consideration on the merits can be given until the required fee deficiency is remitted.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that the delay in paying the maintenance fee under 37 CFR 1.378(c) was intentional, petitioner must notify the Office.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within **TWO (2) MONTHS** from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

Further correspondence with respect to this matter should be addressed as follows:

By Mail:                      Mail Stop PETITION  
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                                    Post Office Box 1450  
                                    Alexandria, VA 22313-1450

By hand:                      U. S. Patent and Trademark Office  
                                    Customer Service Window, Mail Stop Petitions  
                                    Randolph Building  
                                    401 Dulany Street  
                                    Alexandria, VA 22314

The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to the undersigned at 571-272-6735.

/Diane C. Goodwyn/  
Diane C. Goodwyn  
Petitions Examiner  
Office of Petitions